

Peter Goldstein [SBN 6992]
PETER GOLDSTEIN LAW CORP
peter@petergoldsteinlaw.com
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
Telephone: (702) 474-6400
Facsimile: (888) 400-8799

Malcolm P. LaVergne [SBN 10121]
mlavergne@lavernelaw.com
400 South 4th Street, Suite 500
Las Vegas, Nevada 89101
Telephone: (702)448-7981
Facsimile: (702)966-3117

Attorney for Plaintiff
KEYHERRA GREEN

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KEYHERRA GREEN,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, a political subdivision of the State
of Nevada and the County of Clark and operating
CLARK COUNTY DETENTION CENTER
(CCDC); NAPHCARE, INC., a foreign corporation,
doing business in State of Nevada and is the Medical
Care Provider for the Clark County Detention
Center; FRED MERRICK; LORA CODY;
MENENLYN ELIZAN; RAY MONTENEGRO;
GWENDOLYN MYERS; and DOES 4-10, inclusive,

Defendants.

Case No. 2:20-cv-00769-KJD-DJA

**STIPULATION AND PROPOSED
ORDER TO EXTEND DISCOVERY**

(Sixth Request)

IT IS HEREBY STIPULATED AND AGREED between the parties that: the discovery cut-off of January 4, 2022, be continued for a period of sixty (60) days up to and including, **March 7, 2022**, for the purpose of allowing the parties to complete written discovery, take depositions of the parties and Rule 30(b)(6) witnesses and disclose expert/rebuttal expert witnesses; and so that other deadlines be adjusted accordingly, as set forth herein.

I. DISCOVERY COMPLETED TO DATE

The parties have exchanged their initial Rule 26 Disclosures and multiple Supplemental Disclosures. Plaintiff has responded to written discovery (Interrogatories, Requests for Admissions, Requests for Production of Documents) propounded by each of the Defendants. Each Defendant has responded to numerous written discovery requests from Plaintiff. Currently the parties are attempting to resolve a discovery dispute about the production of certain documents. Defendants filed a Motion for Protective Order on June 11, 2021, Plaintiff's response was filed on June 25, 2021, and Defendants filed a Reply on July 2, 2021. The Court granted the Protective Order on August 11, 2021 precluding Plaintiff from propounding additional written discovery on Defendants absent permission from the Court.

The deposition of Defendant Merrick has been taken. The LVMPD Defendants served numerous third-party subpoenas; many out of state.

Defendants filed a Motion for Production of Documents Pursuant to Subpoena directed to a third-party; Los Angeles County Probation. [ECF No. 65]. Plaintiff did not oppose the Motion and it is pending.

II. DISCOVERY YET TO BE COMPLETED

The LVMPD Defendants are still attempting to obtain responses to the California subpoena. As noted above and in the Motion filed by the LVMPD Defendants, the third-party requires an Order from the Court to provide the documents requested.

The depositions of Defendant Cody and Plaintiff still need to be taken. Thereafter, additional third-party depositions may be noticed.

III. REASONS WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

The parties have been diligent in their attempts to complete discovery, however, more time is needed. The discovery in this case has been more voluminous than initially anticipated by the parties. Defendants have raised claims of privilege and confidentiality-based objections. In addition, Defendants served a 10th Supplemented Disclosures on August 12, 2021 and provided numerous training records regarding witness identifications among other subjects. Further, the

parties have been occupied with extensive motion practice in this case. Among other things, Defendants filed a Motion for Judgment on the Pleadings on July 2, 2021, Plaintiff filed her response on July 9, 2021 and Defendants' filed their Reply on July 16, 2021. No ruling has yet been issued. The motion practice has temporarily diverted the parties' resources from discovery.

In addition, as stated above, there is a Motion pending before the Court seeking an Order so that the parties can obtain records pertaining to Plaintiff from a third-party. These records are necessary and directly related to Plaintiff's claims and the LVMPD Defendants' defenses.

IV. PROPOSED EXTENDED DEADLINES

The parties respectfully request this Court enter an order as follows:

(A) Discovery Deadline.

The current discovery cut-off date of January 4, 2022, should be extended for a period of sixty (60) days, up to and including **March 7, 2022** (60 days after the discovery deadline is March 5, 2022, a Saturday, therefore, the deadline would be the following business day).

(B) Experts and Rebuttal Experts.

The parties shall disclose expert reports sixty (60) days before the close of discovery, on or before **January 6, 2022**. The parties will disclose rebuttal experts (30) days prior to the close of discovery on **February 7, 2022**. (30 days after the date set for filing dispositive motions is February 5, 2022, a Saturday, therefore, the deadline would be the following business day).

(C) Dispositive Motions.

All pretrial motions, including but not limited to, discovery motions, motions to dismiss, motions for summary judgment, and all other dispositive motions shall be filed and served no later than thirty (30) days after the close of discovery, or by **April 6, 2022**.

(D) Motions in Limine/Daubert Motions.

Under LR 16-3(b), any motions in limine, including Daubert motions, shall be filed and served thirty (30) days prior to the commencement of Trial. Oppositions shall be filed and served and the motion submitted for decision fourteen (14) days thereafter. Reply briefs will be allowed only with leave of the Court.

1 **(E) Pretrial Order.**

2 Pursuant to LR 26(1)(e)(5), the Joint Pretrial Order shall be filed with this Court no later than
3 thirty (30) days after the date set for filing dispositive motions, or by **May 6, 2022** (30 days after the
4 date set for filing dispositive motions is Saturday, March 5, a Saturday, therefore, the deadline would
5 be the following business day), unless dispositive motions are filed, in which case the date for filing
6 the Joint Pretrial Order shall be suspended until thirty (30) days after the decision on the dispositive
7 motions or further order of this Court. The disclosures required by Fed. R. Civ. P. 26(a)(3) and any
8 objections shall be included in the final pretrial order.

9 This request for an extension is made in good faith and joined by all the parties in this case.
10 The request is timely pursuant to LR 26-3. Trial is not yet set in this matter and dispositive motions

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1 have not yet been filed. Accordingly, this extension will not delay the case. Moreover, since this
2 request is a joint request, neither party will be prejudiced. The extension will allow the parties the
3 necessary time to complete discovery.

4 DATED this 13th day of December, 2021.

5 PETER GOLDSTEIN LAW CORP

KAEMPFER CROWELL

6 By: /s/ Peter Goldstein
7 Peter Goldstein
8 Nevada Bar No. 6992
9 10161 Park Run Drive, Suite 150
10 Las Vegas, Nevada 89145
11 -and-
12 MALCOM P. LAVERGNE & ASSOC.
13 Malcom P. LaVergne
14 Nevada Bar No. 10121
15 400 South Fourth Street
16 Las Vegas, Nevada 89101
17 *Attorneys for Plaintiff*

By: /s Lyssa S. Anderson
Lyssa S. Anderson
Nevada Bar No. 5781
Ryan W. Daniels
Nevada Bar No. 13094
1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135
Attorneys for Defendants
Las Vegas Metropolitan Police
Department, Fred Merrick and
Lora Cody

14 **IT IS SO ORDERED**

16 DATED this 15th day of December, 2021.



20 DANIEL J. ALBREGTS
21 UNITED STATES MAGISTRATE JUDGE
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CERTIFICATE OF SERVICE

I am employed in the County of Clark, State of Nevada. I am over the age of eighteen years and not a party to the within action; my business address is 10161 Park Run Drive, Suite 150, Las Vegas, Nevada 89145.

I hereby certify that on this 13th day of December, 2021, a true and correct copy of the following document **STIPULATION TO EXTEND DISCOVERY (Sixth Request)** was served by electronically filing with the Court's CM/ECF electronic filing system to the following parties:

Lyssa S. Anderson, Esq.
Ryan W. Daniels, Esq.
Kristopher Kalkowski, Esq.
Erika Parker, Esq.
Joseph Dagher, Esq.
KAEMPFER CROWELL
1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135
Telephone: (702) 792-7000
Facsimile: (702) 796-7181
Email: landerson@kcnvlaw.com
rdaniels@kcnvlaw.com
EParker@kcnvlaw.com
JDagher@kcnvlaw.com
wapplegate@kcnvlaw.com
kkalkowski@kcnvlaw.com
BJacobs@kcnvlaw.com

*Attorneys for Defendants
Las Vegas Metropolitan Police Department,
Fred Merrick and Lora Cody*

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

By: 
An Employee of Peter Goldstein Law Corp



Peter Goldstein <pglawstaff@petergoldsteinlaw.com>

LVMPD/Keyherra Green

3 messages

Wendy Applegate <WApplegate@kcnvlaw.com>

Mon, Dec 13, 2021 at 1:27 PM

To: "peter@petergoldsteinlaw.com" <peter@petergoldsteinlaw.com>, Kris Bechtold <pglawstaff@petergoldsteinlaw.com>

Cc: Lyssa Anderson <landerson@kcnvlaw.com>, Ryan Daniels <RDaniels@kcnvlaw.com>

Peter:

Attached is our redline version of the Stipulation. If the changes are approved, you are authorized to accept them and use Lyssa's electronic signature for filing.

Thank you.

KAEMPFERCROWELL

Wendy L. Applegate

Kaempfer Crowell

Tel: (702) 792-7000

Fax: (702) 796-7181

Email: wapplegate@kcnvlaw.com

| WEBSITE |



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Peter Goldstein <peter@petergoldsteinlaw.com>

Mon, Dec 13, 2021 at 4:38 PM

To: Wendy Applegate <WApplegate@kcnvlaw.com>, Malcolm LaVergne <mlavergne@lavergnelaw.com>

Cc: Kris Bechtold <pglawstaff@petergoldsteinlaw.com>, Lyssa Anderson <landerson@kcnvlaw.com>, Ryan Daniels <RDaniels@kcnvlaw.com>

I reviewed and will accept all changes, attached. Kris will file tomorrow.



PETER GOLDSTEIN LAW CORP

10161 Park Run Drive, Suite 150

[Las Vegas, NV 89145](#)

Tel: (702) 474-6400

Fax: (888) 400-8799

www.petergoldsteinlaw.com

400 Corporate Pointe, Ste. 300

[Culver City, CA 90230](#)

Tel: (310) 552-2050

Fax: (888) 400-8799

www.petergoldsteinlaw.com

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Peter Goldstein <peter@petergoldsteinlaw.com>

Tue, Dec 14, 2021 at 9:16 AM

To: Kris Bechtold <pglawstaff@petergoldsteinlaw.com>



PETER GOLDSTEIN LAW CORP

10161 Park Run Drive, Suite 150

[Las Vegas, NV 89145](#)

Tel: (702) 474-6400

Fax: (888) 400-8799

www.petergoldsteinlaw.com